

**ALABAMA ELECTRONIC SECURITY BOARD OF LICENSURE
ADMINISTRATIVE CODE**

CHAPTER 304-X-1

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304-X-1-.01 **Definitions**

(1) Administrative Fee: A fee is charged to first time applicants, or those reapplying as first time applicants, or to licensees who wish to have a change of address or name, to cover the expenses of setting up applicants' data files.

(2) Alarm System: Burglar alarms, television cameras, or other electrical or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage, and other similar losses. The term does not include any fire detection, fire alarm, or fire communication system.

(3) Alarm System Installer: A person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the installation, service, or monitoring, of alarm systems for the public for any type of compensation.

(4) Branch Office: An office established or maintained at some place other than the principal place of business as shown in the Board of Licensure records and is identified to the public at a place from which business of planning, installation, inspecting, repairing, and servicing alarm systems or locks used to protect against or detect burglary, theft, shoplifting, pilferage, or other losses is conducted on a regular basis.

(5) Branch Office License: A license granted by the Board of Licensure entitling a person to operate as a security service contractor of an alarm systems company or a locksmith company at a location other than the principal place of business shown in the Board of Licensure records.

(6) Burglar Alarm (B): An assembly of equipment and devices, or a single device such as a solid-state unit which plugs directly into an AC line, designed to detect an unauthorized intrusion or an attempted robbery at a protected premises or signal public police or private guards to respond, or both.

(7) Central Station: A location where alarm signals are received as part of an alarm system and then relayed via operator to law enforcement officials.

(8) Certified Proctor: A Certified National Training School (NTS) Instructor or an Associated Locksmiths of America (ALOA) Certified Master Locksmith (CML) who supervises an exam within their discipline.

(9) Closed Circuit Television System (CCTV): A combination of electronic equipment and devices designed and arranged for the viewing, monitoring, or recording of video signals transmitted from transmitters such as cameras to receivers such as monitors, digital video recorders, and network video recorders (NVR) through a closed cable or other video signal transmission method.

(10) Conviction: The entry of a plea of guilty or a verdict rendered in open court by a judge or jury.

(11) Disciplinary Action: By affirmative vote of a quorum of the Board members, a disciplinary action may consist of; suspension or revocation of a license, imposing a sanction on a license, and/or a monetary penalty not to exceed one thousand dollars (\$1,000.00) per violation.

(12) Electronic Access Control System (A): A system that is powered by the building's primary power source and is used as a process to grant or deny an individual access to a specific area or object based upon his or her possession of an item, a code, or physical characteristic.

(13) Helper: Person whose responsibilities are limited while learning the alarm or locksmith business. An alarm Helper is limited to running wires during the installation of an alarm system. An alarm Helper may not work out of direct, on the job, supervision of a licensed Qualifying Agent or installer nor may an alarm Helper install keypads or assign or program access codes. A Locksmith Helper may not change safe combinations or perform work on safe deposit boxes or vaults, nor may a Locksmith Helper have access to key codes or customer keying files. Helpers are not subject to the educational requirement of 304-X-1-.04 of this code. A Helper is required to comply with all other sections of this code.

(14) Installation: The initial placement of equipment or the extension, modification, or alteration of equipment after initial placement.

(15) License: A license granted by the Board of Licensure entitling a person to operate as a security services contractor; installer of burglar alarm systems (B), electronic access control systems (A), and /or closed circuit television systems (S); locksmith (L); salesperson (Sales); Central Station (CS); helper (H); or administrative (Adm).

(16) Licensee: A person whose application has been approved by the Board of Licensure to perform the duties of a Qualifying Agent, burglar alarm system (B) installer, electronic access control system (A) installer, closed circuit television system (S) installer, locksmith (L), central station operation (CS), salesperson (Sales), helper (H), or administrative (Adm).

(17) Lock: Mechanical or electronic device used to physically secure and control access to or egress from a structure or area, or used to control the use of a device; these uses include, but are not limited to, residential or commercial door hardware, safes, safe deposit boxes, vaults, or electronic locking devices.

(18) Locksmith: A person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the installation or service of locks for residential or commercial use.

(19) Identification Card: A pocket card of a size, design, and content determined by the Board of Licensure and carried by each employee of an alarm system or locksmith company.

(20) Manager: In the case of a corporation, an officer or supervisor, or in the case of a partnership, a general or unlimited partner meeting the experience and qualifications set forth by the Board of Licensure for managing an alarm system or locksmith company.

(21) New Applicant: A registrant who is employed by a licensed company and who is a first time applicant for licensure or a person who fails to renew a license within thirty (30) days of the expiration date of their most recent license.

(22) Person: Includes, a person, firm, association, company, partnership, corporation, nonprofit corporation, institution, or similar entity.

(23) Proctored exam: An exam taken in person in front of a Certified Proctor who is present during the examination.

(24) Qualifying Agent: A person in a management position who is certified by the Board of Licensure and whose name and address have been registered with the Board of Licensure. This person is a Licensee. This person may be subject to disciplinary actions for the actions of the individuals employed under their supervision.

(25) Registrant: A person who files an application for consideration of licensing by the Board of Licensure to perform the duties of a Qualifying Agent (QA), burglar alarms system (B) installer, electronic access control system (A) installer, closed circuit television system (S) installer, locksmith (L), central station operator (CS), salesperson (Sales), helper (H), or administrative (Adm).

(26) Service: Necessary repair in order to return the system to operational condition.

Author: Fred Crawford

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304-X-1-.02 Licensure Procedures.

(1) Section 1

(a) No person operating an alarm system company or locksmith company may sell, install, monitor or otherwise operate in the state of Alabama without a license from the Board of Licensure.

(b) The company will complete an application and pay the necessary fees to the Board of Licensure and upon receipt of a license they can operate.

(c) The Board has ninety (90) days to act upon a complete application.

(d) No license can be issued without criminal background information having been received by the Board.

(e) A company must make application if it offers to undertake,

represents itself as being able to undertake, or does undertake the installation or service of locks for residential or commercial use, or sells, installs, services, monitors burglar alarm systems or holds privacy codes of customers' burglar alarm systems, or sells, installs or services electronic access control systems or CCTV.

(f) A subcontractor must meet the licensing requirements of the Board of Licensure.

(g) Companies located out of the State of Alabama must obtain a "Certificate of Authority of a Foreign Corporation to Transact Business in Alabama" from the Alabama Secretary of State prior to submitting an application to the Electronic Security Board of Licensure.

(h) A licensed alarm system or locksmith company must have a physical location in the state of Alabama or within 50 miles of the Alabama border.

(2) Section 2

(a) Each written contract for services of a company licensed pursuant to this code shall contain the name, mailing address, and telephone number of the Board of Licensure.

(b) There shall be displayed prominently in the place of business of each licensee regulated by this code, a sign containing the name, mailing address, and telephone number of the Board of Licensure, and a statement informing consumers that complaints against licensees may be directed to the Board of Licensure.

(c) It shall be unlawful and punishable for a person to make application to the Board as Qualifying Agent or to serve as manager of an alarm system company, locksmith or Central Station, unless the person is a full time (in excess of 32 hours per week) employee of the entity for which the person serves as Qualifying Agent, and intends to maintain and maintains that supervisory position on a daily basis for the company.

(d) An application for a license pursuant to this code shall be in the form prescribed by the Board of Licensure. All persons' applications shall include the following:

1. A properly completed application.
2. Supporting documentation of meeting training requirements when necessary.

3. Supporting documentation of meeting insurance requirements.
 4. A properly completed Alabama Bureau of Investigation (ABI) Form-46 and required processing fees for a criminal background report.
 5. New Applicants must submit a properly completed ABI Form-46 and Federal Bureau of Investigation (FBI) fingerprint cards and required processing fees for an FBI criminal background report.
 6. The Board will not deny a license for criminal convictions over seven years old unless the criminal conviction directly relates to the occupation or profession for which the license is sought. However, the Board may, if in its opinion it is warranted, require the applicant to submit a new criminal background check at the expiration of one year of the initial application.
 7. A check or money order in the proper amount as prescribed in the application.
 8. All applications must contain the physical address of the business.
 9. All applications must be signed and notarized or witnessed by two individuals.
 10. A copy of the company's most recent business license issued by an Alabama city or county.
- (e) A check returned for any reason as unpayable by the issuing bank, following the vote of the Board of Licensure, will result in a fine of the maximum amount as set by state law, as well as denial of issuance of the license. Following a nonpayable fine, only a certified or cashiers check will be acceptable for payment of both the fine and that year's license.
- (f) The license shall be issued for a term of one year. Each license shall be renewed by the expiration date of the current year's license. Failure to renew a company license by the expiration date will result in a company having to reapply as a new applicant and paying an administrative fee. Renewal applications must include current proof of insurance and training requirements.
- (g) Following issuance, the license shall be posted at all times in a conspicuous place in the place of business of the licensee. A license issued pursuant to this code shall not be assignable.
- (h) No licensee shall engage in business or advertise under state

license number regulated by this code under a name other than the name of the licensee which appears on the certificate issued by the Board of Licensure or in the name of the business entity which the licensee has registered with the Board of Licensure

(i) A branch office of a locksmith or alarm systems business shall be properly licensed. A separate license, stating the location and licensed qualifying agent, shall be posted at all times in a conspicuous place in each branch office. Every business covered pursuant to this code shall file in writing with the Board of Licensure the address of each of its branch offices, if any, within 10 working days after the establishment, closing, or changing of the location of a branch office. A licensed qualifying agent will be required for daily operations for each alarm system business branch office and be readily available to the registrants in the field.

(j) A Qualifying Agent may register with the Board of Licensure for only one business entity at any given time unless the Qualifying Agent owns 25% or more of each burglar alarm business being registered.

(k) In the case of a stand alone Central Station company, the residency requirements of the Qualifying Agent are waived, so long as the stand alone Central Station provides no installation services or repair service calls in Alabama.

(l) Central Station personnel in a stand alone facility located in excess of one hundred (100) miles from the nearest Alabama border, whose only duty is Central Station functions, are exempt from a mandatory background check, but the Board may require Social Security numbers and FBI fingerprint cards and may do random background checks.

(m) Any person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the monitoring of an alarm system for the public for any type of compensation or, any central station, must, with each renewal application, submit a report which provides the following: (1) the name of the person or business entity that requested their accounts be monitored as an alarm system installer or dealer and (2) the date the company began monitoring accounts on behalf of the alarm system installer or dealer. Said reporting list shall include monitored accounts for persons or business entities who have requested monitoring of accounts in the State of Alabama only and said list shall not include the individual customer list for each alarm system installer or dealer.

(3) Section 3

(a) Each physical location of an alarm system installer shall be operated under the direction and control of a Qualifying Agent. No person shall act as a

Qualifying Agent of a licensee until he or she has complied with each of the following:

1. Demonstrated his or her qualifications by a written examination as set forth by the Board of Licensure.

2. Made a satisfactory showing to the Board that he or she has satisfied the qualifications prescribed in this code, by presenting proof of meeting the educational requirements in 304-X-1-.04.

3. If the Qualifying Agent, who has been qualified as provided in this section, ceases to be Qualifying Agent, the licensee shall notify the Board of Licensure in writing within 10 days from each cessation. If notice is given, the license shall remain in force for up to 120 days. After which time, a new Qualifying Agent must be in place. If the licensee has not found a replacement, the licensee must submit a request to the Board in writing petitioning an extension. An extension period may be granted at the discretion of the Board of Licensure. If notice is not given, his or her license shall be subject to suspension or revocation.

(b) All personnel that install or service burglar alarm systems (B), CCTV systems (S), electronic access control systems (A), or mechanical locking hardware on behalf of the licensee, including but not limited to, installers, technicians, or locksmiths shall comply with the educational requirements in 304-X-1-.04.

(c) No license will be issued to an applicant unless the applicant files with the Board of Licensure evidence of a policy of liability insurance with limits of not less than two hundred fifty thousand dollars (\$250,000), which policy shall provide for certain coverage for both bodily injury or death of a person as result of the negligent act or acts of the principal insured or his or her agents operating in the course and scope of his or her employment, and for the injury to or destruction of property of others as the result of negligent act or acts of the principal insured or his or her agents operating in the course and scope of his or her agency and any other insurance required by law. The Licensee shall notify the Board of Licensure of any change in coverage by a 30 day notice to the Board of Licensure.

(d) A license or branch office license, when issued, shall be in the form prescribed by the Board of Licensure, and shall include the following:

1. The name of the licensee.
2. The name under which the licensee shall operate.
3. The number and date of the license.

4. Which classifications of work the licensee is licensed for.

(e) The license shall at all times be posted in a conspicuous place in the principal place of business of the licensee. Each branch office license shall at all times be posted in a conspicuous place in each branch office of the business.

(f) Notification to the Board of Licensure shall be made within ten days after the change of address of the principal place of business of a licensee, the change of address of a branch office, or the change of a business name under which a licensee does business. A licensee shall, within ten days after the change, notify the Board of Licensure of all changes of his or her address, the name under which he or she does business, and changes in its officers or partners.

(4) Section 4

(a) A license issued under this code shall be subject to revocation if any licensee violates the rules of application, misleads, or allows untruthfulness during the application process, or has applied for the original license under false pretenses. Any license may be subject to revocation if a person is convicted of a criminal offense during the license's term. A letter notifying of a pending termination will be sent, via certified mail, to the last known address of the licensee subject to revocation. The licensee will have 30 days to request in writing a formal hearing before the Board of Licensure. The board will assign a hearing date to coincide with the next regular meeting of the Board of Licensure. Following the hearing a simple majority vote will determine the revocation.

(b) Notice of the issuance, revocation, reinstatement, or expiration of every license issued by the Board of Licensure shall be furnished to the sheriff of the county and the chief of police and the inspection department of the city of the county where the principal place of business of a licensee is located.

(c) Information contained in alarm systems' records held by a governmental body concerning the location of an alarm system, the name of the occupant of alarm system location, or the type of alarm system used shall be confidential and disclosed only to the Board of Licensure or as otherwise required by law.

(5) Section 5

(a) A person who is employed to be a Qualifying Agent (QA), central station operator (CS), burglar alarm system (B) installer, electronic access control system (A) installer, closed circuit television system (S) installer, locksmith (L), helper (H), or salesperson (Sales) shall register with the Board of Licensure within ten (10) business

days after the commencement of employment by a licensee.

(b) An employee of a licensee who is employed in a capacity that is not subject to mandatory registration under this code may register with the Board of Licensure on a voluntary basis.

(c) An employee of a licensee who is employed in a capacity having direct contact with the public, and is subject to mandatory registration, is to have on his or her person an Identification Card (ID card) showing name of the licensee, the person who carries the card, a current photograph, which classifications of work the employee is licensed for, and the License number from the Board of Licensure. The ID Card must be produced on the demand of any customer, appointed member of the Board of Licensure, employee of the Board of Licensure, law enforcement official, state, city or county code enforcement official, or building inspection personnel.

(6) Section 6

(a) A registrant must apply for licensure within ten (10) business days of being hired.

(b) Each licensee must have on his or her person the ID card supplied by the Board of Licensure at all times in which the licensee is meeting with the public.

(c) The Board may issue a Helper identification badge for any new hires who have not completed the educational requirements but perform their work under the direct, on the job, supervision of a licensed Qualifying Agent, Installer or Locksmith.

(7) Section 7

(a) Each applicant must pay the license fee, the administrative fee and any fines due in order for their application to be processed. The administrative fee is not in effect for renewal applications.

(b) The Board does not make complete or partial refunds of any fees received.

(8) Section 8

(a) Each person holding itself out to do business as described in Code of Ala. (1975), Chapter 1A of Title 34, is required to be licensed.

(b) The failure of a person to be licensed in the classification in which he or she is working shall be subject to a monetary penalty (up to \$1,000.00 per violation) as determined by the Board.

Author: Fred Crawford

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304-X-1.03 Fees.

(1) Fees are to be paid to the Board of Licensure by personal check, business check, or by money order:

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| Administrative Fee | \$150.00 One time fee upon the first application |
| Partnership or Sole Proprietorship | \$150.00 Annually |
| Company or Corporation | \$200.00 Annually |
| Branch Location | \$200.00 Annually |
| Qualifying Agent (the person responsible) | \$75.00 Annually |
| Registrant / Individual | \$25.00 Annually |
| Lost/Replacement ID Card | \$12.50 Issued |
| Return Check | Maximum amount allowed by law |

Central Station Fee

Company License Fee \$200.00, Plus
\$12.50 per monitoring operator.
Additional \$12.50 per photo ID, if
requested.

(2) Fees are to be paid to the Alabama Bureau of Investigation (ABI)
by business check or money order:

Fee for processing New Applicant
FBI criminal background report

Range from \$44.25 to \$61.00

Fee for processing criminal background
report from ABI Form-46

Range from \$25.00 to \$32.00

(3) If the applicant fails to renew license within 30 days of expiration,
he or she must reapply as a new applicant. A new company or an applicant that applies
for a new license after July 1st is required to pay only one-half of the annual fees plus the
administrative fee, and that applicant's license will expire on December 31st of that year.

(4) All companies, unless specifically exempt by Chapter 1A of Title
34, Code of Ala. 1975, which sell, install, monitor or otherwise operate in the burglar
alarm, electronic access control, CCTV, or locksmith business in the State of Alabama
must obtain a license from this Board in a timely manner or shall be subject to the
following monetary penalties:

(a) Companies which are currently in the burglar alarm, electronic
access control, CCTV, or locksmith business and do not renew a license by December
31st shall be a new applicant and shall pay all applicable fees.

(b) Companies which are currently in the burglar alarm, electronic
access control, CCTV, or locksmith business and do not obtain a license by April 30th
shall be fined \$500.00 for the current year.

(c) Companies which are currently operating in the burglar alarm,
electronic access control, CCTV, or locksmith business and do not obtain a license by
June 30th, the fine shall be \$1,000.00 per violation.

(d) Fines may be imposed and collected by the staff.

(e) All fines must be individually approved by the Board at the next
official Board meeting following staff notification.

(f) Following notice of a fine, a licensee and/or Qualifying Agent (QA) must make a written and /or in person appeal of extenuating circumstances for non-licensure or late renewal to the Board at the next meeting. If no appeal is provided the Board at its next official meeting, the fine will be due and payable.

(g) The Board may reduce or cancel any fine following any appeal hearing.

Author: Fred Crawford

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304-X-1-.04 Educational Requirements.

(1) Qualifying Agents

(a) For Qualifying Agents installing or servicing burglar alarm systems, effective January 1, 2000, the Certified Alarm Technician certification of the National Training School (NTS) of the Electronic Security Association (ESA), formally the National Burglar and Fire Alarm Association (NBFAA), must be passed in a proctored exam in order to obtain a license. A license will not be issued to a burglar alarm company unless the company has a licensed Qualifying Agent. Effective January 1, 2001, Level 2 or Advanced Burglar Alarm Technician (ABAT) of the National Training School (NTS) of ESA must be passed in a proctored exam in order to obtain a license.

(b) To ensure continued competency, effective January 1, 2005, all Qualifying Agents must demonstrate completion of educational requirements equivalent to those required for current status (12 hours of approved continuing education) or current status with their NTS Certified Alarm Technician certification in order to obtain or renew a license.

(c) Effective January 1, 2011, all Qualifying Agents at alarm system companies which also install or service electronic access control (A) systems must demonstrate that they have taken the NTS Electronic Access Control class or the ALOA 2 day Comprehensive Access Control class and passed the proctored exam in order to obtain or renew a license.

(d) Effective January 1, 2012, all Qualifying Agents at companies which install or service CCTV systems must show that they have passed the NTS Video System Technology course and proctored exam or Board approved CCTV training in order to obtain or renew a license.

(2) Central Station Operators

(a) After January 1, 2000, a central station operator is required to prove attendance at a 1 day NTS approved course for Central Station persons or an Alabama Electronic Security Board of Licensure approved program with input given by law enforcement agency or NTS Level I in order to obtain or renew a license.

(3) Installers

(a) A registrant who performs the duties of an alarm system installer must have passed the NTS Certified Alarm Technician (Level 1) proctored test or Board approved exam in order to obtain or renew a license on January 1, 2000, and thereafter.

(b) Effective January 1, 2011, all alarm system installers who also perform the duties of an electronic control system (A) installer must demonstrate that they have passed the NTS Certified Alarm Technician (Level 1) proctored test, or the NTS Electronic Access Control class or the ALOA 2 day Comprehensive Access Control class and proctored exam in order to obtain or renew a license.

(c) Effective January 1, 2012, all CCTV installers must show that they have passed the NTS Certified Alarm Technician (Level 1) proctored test, or the NTS Video System Technology course and proctored exam or Board approved training in order to obtain or renew a license.

(d) To ensure continued competency, all renewing registrants who perform the duties of an installer on or after January 1, 2005, must demonstrate completion of educational requirements equivalent to those required for current status (12 hours of approved continuing education units) or current status with NTS Certified Alarm Technician (Level 1) certification in order to obtain or renew a license.

(4) Locksmiths

(a) A registrant who performs the duties of a locksmith must have passed the mandatory section of the Proficiency Registration Program (PRP) of the Associated Locksmiths of America (ALOA) or a Board approved exam in order to obtain or renew a license on January 1, 2012, and thereafter.

(b) To ensure continued competency, all renewing registrants who perform the duties of a locksmith on or after January 1, 2010, must demonstrate on an annual basis the completion of twelve (12) hours of Board approved continuing education units.

(c) Effective January 1, 2011, all renewing locksmith registrants who perform the duties of installing or servicing electronic access control (A) systems must demonstrate that they have taken the NTS Electronic Access Control class or the ALOA 2 day Comprehensive Access Control class.

(5) Salesperson

(a) A registrant who is primarily in burglar alarm, electronic access control or CCTV systems sales must pass the NTS Level 1 test, the NTS or Board approved sales equivalent, or the “NTS Understanding Alarms”, in order to obtain or renew a license.

(b) To ensure continued competency, all renewing registrants who perform the duties of a salesperson on or after January 1, 2012, must demonstrate on an annual basis the completion of four (4) hours of Board approved continuing education units.

(6) General Comments

(a) Beginning on January 1, 2000, an applicant for licensure, after obtaining employment, has ten (10) days to complete an application; submit forms, fingerprint cards and fees for an Alabama Bureau of Investigation (ABI) and Federal Bureau of Investigation (FBI) Criminal History and show proof of their existing educational qualifications in order to obtain a license.

(b) A monitoring company that is using or is referred to by a burglar alarm company must be licensed in order for the burglar alarm company to gain a permit on or after January 1, 1999. The burglar alarm company should obtain a copy of that license.

(c) The Alabama Electronic Security Board of Licensure may offer qualifying tests to any individual at a central location in the state on an annual basis. Individuals may also take the NTS tests referred to above through any authorized agency that is allowed to give the exams.

(d) Beginning January 1, 2011, an owner, manager or administrator who has direct contact with customers and offers to undertake, represents himself or herself as being able to undertake, or does undertake the sales, installation, service, or monitoring of burglar alarm systems, electronic access control systems, closed circuit television systems, or locks must meet the educational requirements in 304-X-1-.04 for the activities performed.

(e) Companies should provide Helpers access to at least twelve (12) hours on industry related training on an annual basis.

(f) Alarm and Locksmith companies that have been licensed with the Alabama Electronic Security Board of Licensure (the Board) for the previous five (5) calendar years that have had no complaints filed with the Board against them or their employees that have resulted in disciplinary action being taken by the Board during the previous five (5) years, and have not had documented violations of the Board's law or Administrative Code may file a written request for a waiver from the additional educational requirements of this Section 304-X-1-.04(1)(d) for their Qualifying Agents by providing the Board written certification that they have had no written complaints filed against the company or employees and have had no documented violations of noncompliance during the past five (5) years.

(g) Locksmith companies that only work on residential mechanical locks and have been licensed with the Alabama Electronic Security Board of Licensure (the Board) for the previous three (3) calendar years and have had no complaints filed with the Board against them or their employees that have resulted in disciplinary action being taken by the Board during the previous three (3) years, and have not had documented violations of the Board's law or Administrative Code may file a written request for a waiver from the continuing educational requirements of this Section 304-X-1-.04(4)(b) for their locksmiths by providing the Board written certification that they have had no written complaints filed against the company or employees and have had no documented violations of noncompliance during the past three (3) years.

(h) The receipt of a written complaint by the Board against the company or an employee may result in the loss of its waiver for educational requirements.

(i) Failure to comply with Code of Alabama 1975, Section 34-1A, and this Administrative Code 304-X-1 may result in the loss of a company's waiver of these educational requirements.

Author: Fred Crawford

Statutory Authority: Code of Ala. 1975, § 34-1A

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304-X-1-.05

Code of Ethics.

(1) The following code is intended to aid companies licensed by the Alabama Electronic Security Board of Licensure and their employees, individually and collectively, (hereinafter referred to as companies), in maintaining a high level of ethical conduct. This code evolved out of the experience of the Board and is binding on all licensed firms and their staffs.

(a) Companies will further the public interest by contributing to the development of a better understanding and use of the capacities, abilities and technical skills of the electronic security industry in the State of Alabama, the United States of America and neighboring countries by accepting their responsibilities to the communities within which we live and work.

(b) Companies will present their qualifications to prospective clients solely in terms of their ability, experience and reputations; will strive continuously to improve their knowledge, skills and techniques to make available to their clients the benefits of their professional attainments; and will not cause harm to another company by their actions or words.

(c) Companies will always be mindful of the trust placed in them by customers and of their responsibility to render services at the highest level of quality.

(d) Companies will assure that all of their employees are carefully oriented so that they will clearly understand company operations, policies, and procedures.

(e) Companies will apply uniform and equitable standards of employment opportunity and assure that the best possible use is made of the abilities, technical and other, of their employees regardless of race, creed, color, sex or age.

(f) Companies will endeavor to provide opportunity for the professional advancement of those employees who enter the security industry by assisting them to acquire additional knowledge and competence in their technical skills and to keep up with significant advances in the state of art.

(g) Companies will maintain a wholly professional attitude toward those they serve, those who assist them, toward other firms in the industry, towards the members of other professions, and toward the practitioners of allied arts and sciences.

(h) Companies will respect the reputation and practice of other firms in the security industry, but without hesitation, will report to the proper authority, conduct that may be unethical.

(i) Companies will give to each client their state license number and each individual will show his/her identification card to all clients and possible clients.

(j) Companies will inform each client of their rights and encourage them to maintain records of all activities and contracts related to the installation of locks or an electronic security system.

(k) Companies will adequately train each client in the proper use of their locks or electronic security system, will provide customers lockout codes upon receipt of written requests, and will not sell customers pre-programmed panels without written disclosure to the customer.

(l) Companies will advise customers who already have electronic security service that, if they already have a contract for services, they may be obligated for payments under the terms of their present contracts as well as any new contract signed. Companies will not misrepresent what is in a contract, while informing them of alternatives and changes in the technology of the industry.

(m) Companies will respond within ten (10) business days to customer complaints regarding sales, installation, servicing or monitoring of their locks or electronic security systems or the conduct of any person employed or sub-contracted by the company.

(n) Company representatives will make a reasonable attempt to identify the owner of a residence, a commercial establishment, or vehicle before performing work.

(2) Any company, including all employees of a company, and any person who violates one or more canon of ethics in this code shall be subject to disciplinary action. If, after a hearing, the Board determines that a company or person is, in fact, guilty of a violation, the Board may impose a monetary penalty, a sanction, suspend or revoke a license.

(3) Upon proof (proof being a civil order or criminal conviction) that any licensee or licensed company has engaged in behavior that has violated any Federal, State, or Local law and, upon evidence that said behavior has had a negative impact on (potential) consumers of the alarm or locksmith business or has negatively impacted any other business (even those not in the locksmith or alarm installation business), shall be subject to a fine or other disciplinary action at the discretion of the Board or its investigative committee. Negative impact is conduct of such an egregious nature that it interferes with a business' daily operations or interferes with an individual's ability to feel safe, secure, or unharmed in their own home or residence.

Author: Fred Crawford

Statutory Authority: Code of Ala. 1975, Section 34-1A

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304-X-1-.06 **Administrative Complaints**

(1) Receiving Complaints

(a) Complaints alleging that licensees have violated AESBL laws and/or regulations must be submitted in writing on a form created by the Board. Complaints must be signed to be processed. Any person, including a Board member or person employed by the Board or its contractor, may file a complaint.

(b) Whenever a complaint is received, it will be assigned a unique identifying number.

(c) If the Board receives more than one complaint concerning related allegations against the same licensee, the Board may consolidate the complaints for

purposes of review, investigation, responses, and disciplinary action.

(d) AESBL may contract for the services of an investigator to aid in investigating a complaint.

(e) All licensees, having had a complaint filed against them or their company, shall have a minimum of thirty (30) days (from being notified of the complaint) to respond to the complaint or allegations in writing.

(f) After the deadline for the licensee's response to a complaint in writing, a complaint may be referred to the Investigative Committee for a determination of the existence of probable cause to proceed with disciplinary action or to close the complaint.

(2) Investigative Committee

(a) The Investigative Committee will be comprised of one member of the Board, the executive secretary or his/her designee, and the Board's attorney. The Board member shall be assigned to the Investigative Committee on a rotating equitable basis. The Chairman of the Board shall determine the Board member assigned to a particular complaint and may do so upon the request of the executive secretary, without prior Board approval and without the requirement of a board meeting before said assignment.

(b) The Board member who participates on the Investigative Committee regarding a complaint will recuse himself or herself from any participation in the hearing and determination of the complaint.

(c) The Investigative Committee may require the licensee to attend a meeting of the Committee to aid in investigating a complaint.

(d) If the Investigative Committee finds that probable cause exists, the Investigative Committee shall recommend disciplinary action by a majority vote of the committee. The licensee shall be notified by certified mail of the Investigative Committee's recommendation for disciplinary action and the licensee may either agree to said disciplinary action, request a hearing within thirty (30) days, or enter into informal settlement agreement with Board counsel.

(e) If the Investigative Committee finds the probable cause does not exist to suggest that the licensee has violated the laws and/or regulations of the AESBL, the complaint file will be closed.

(3) Hearings

(a) Any licensee aggrieved by a decision of the Investigative Committee and who cannot reach an informal settlement with Board counsel regarding disciplinary action may request a hearing within thirty (30) days.

(b) A quorum of the Board members shall sit for the hearing or the Board may request appointment of a Hearing Officer from the Hearing Officers Division of the Attorney General's Office, or a private Hearing Officer.

(c) The Chair of the Board or Hearing Officer will preside at the hearing, and will rule on all pre-hearing motions and evidentiary issues. All pre-hearing motions must be made in writing and filed with the Board. Copies of motions and responses thereto must be served on the opposing party. Service of motions or responses is complete upon placing the same in the mail. Each motion or response thereto will contain a certificate indicating the date on which the motion was served on the opposing party.

(d) No party will be entitled to any pre-hearing discovery without prior approval of the Board or Hearing Officer. Discovery must be requested by Motion, and this Motion must identify the type of information requested and the intended method of discovering it. The opposing party will be given an opportunity to respond to such motion. The Board or Hearing Officer may order discovery for good cause shown, so long as permitting the discovery will not unreasonably delay the hearing of the matter. Any discovery must be clearly related to the allegations contained in the Administrative complaint.

(e) If the Board appoints a Hearing Officer, any party desiring to subpoena the attendance of any person at a hearing or the production of documents via a subpoena duces tecum must apply to the Hearing Officer for such a subpoena. Such application will be made by motion, and a copy of the motion will be served on opposing party in the method previously described for service of motions. The opposing party will be given an opportunity to object to the issuance of the subpoena.

(f) Both the Board and the Respondent will be entitled to present and examine witnesses, to cross-examine witnesses, to introduce evidence, and to be represented by counsel.

(g) The hearing will be conducted in the following order: opening statement by the Board, opening statement by the Respondent, presentation of the case-in-chief by the Board, presentation of the Respondent's case, presentation of rebuttal evidence by the Board, closing argument by the Board, closing argument by the Respondent. The Board or Hearing Officer retains the discretion to take evidence out of order for good cause shown. Either the Board or Respondent may waive opening or

closing arguments. The hearing will be conducted in accordance with Sections 41-22-12 and 41-22-13 Code of Alabama (1975) and other applicable provisions of the Administrative Procedures Act.

(h) An appointed Hearing Officer will render a written recommended findings of fact and conclusion of law to the Board.

(i) The Board (with the exception of that Board member who served on the Investigative Committee for the complaint and any other board member who is biased or who has a conflict of interest) will review the recommended findings of fact and conclusions of law and determine whether they should be adopted, amended or overruled. If a majority of the members of the Board are unable to vote because of bias, conflict of interest or service on the Investigative Committee, the Hearing Officer's findings of fact and conclusion of law will constitute AESBL's final order.

(j) The Board will issue a final order containing its findings of fact, conclusions of law, and discipline, if any. This final order shall comply with the requirements of Section 41-22-16 of the Code of Alabama (1975). A majority of the Board members rendering the decision must reach accord for the decision to be final.

(k) The Respondent may appeal a final order of the Board to the Circuit Court of Montgomery County.

(4) Informal Settlement

(a) Board counsel is authorized to enter into settlement negotiations on behalf of the Board.

(b) Neither the Board nor the Licensee is obligated to participate in informal settlement negotiations or to enter into an informal settlement agreement.

(c) If the Board and the Respondent do enter into an informal settlement agreement, that settlement agreement will be memorialized in a Consent Order, which must be signed by the respondent or its agent and the Executive Secretary of the Board.

(d) A Consent Order must contain a recitation of the facts giving rise to the allegations, a citation to the code or regulatory sections involved in the allegations, a statement of the terms upon which the parties have agreed to settle the case, and must state that the agreement is not effective unless and until the Board approves the agreement at its next meeting.

(e) The Consent Order must also state that the parties agree that if the Board does not approve the terms of the settlement agreement, the Board members participating in that decision will not be required to recuse themselves from participation in a formal hearing by virtue of having reviewed the terms of the settlement agreement.

(f) No informal settlement will be final until a majority of the Board approves it at the next meeting of the Board.

(g) The Board member who served on the Investigative Committee may present the proposed settlement to the Board, but may not participate in deliberations regarding whether to accept it and may not participate in the vote on whether to accept it.

(h) If the Board approves the terms of the informal settlement agreement, the Chairman of the Board will sign the Consent Order on behalf of the Board. The Consent Order is effective from the date of signature of the Chairman of the Board, unless the Consent Order expressly provides otherwise.

(i) If the Board does not approve the terms of the settlement agreement, the Chairman of the Board will not sign the Consent Order and the Consent Order will not take effect. The matter will be referred again for formal hearing.

(j) The terms of the informal settlement agreement must serve the public's interest.

(5) Grounds for Disciplinary Action

(a) Lying or giving false information to the Board.

(b) Conviction of a crime that could have been grounds for denial of a license, had the conviction been before licensure.

(c) Violation of the Alabama Electronic Security Board of Licensure Code of Ethics or any other law or regulation of the AESBL.

(d) Failing to maintain insurance coverage as required by Law and Regulations.

(e) Employing one or more unlicensed alarm installers, alarm technicians, locksmiths, salespersons, helpers, or central station operators for more than ten (10) working days without completing and submitting applications and criminal background requests to AESBL.

Author: Fred Crawford

Statutory Authority: Code of Alabama, 1975, § 34-1A

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